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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,023	07/28/2000	Shigeo Yamagata	35.C14654	2202

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EXAMINER

PHAM, THIERRY L

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,023

Applicant(s)

YAMAGATA ET AL.

Examiner

Thierry L. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-14, 17-20, 24-27, 31, 32, 40-42 and 46 is/are pending in the application.
- 4a) Of the above claim(s) 18-20, 24-27, 31, 32, 40-42 and 46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-14 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/8/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

- This action is responsive to the following communication: RCE filed on 11/21/05.
- Claims 9-14, 17-20, 24-27, 31-32, 40-42, and 46 are pending; claims 9-14, and 17 are under examination; claims 18-20, 24-27, 31-32, 40-42, and 46 are withdrawn from consideration.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/21/05 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakai et al (U.S. 5909602).

Regarding claims 9 & 17, Nakai discloses an image processing apparatus (copy machine 93, fig. 11), comprising:

- receiving means (*receiving image data from plurality of different sources via I/F interface, i.e., ref. 91-92, ref. 94, fig. 11*) for receiving color image data from any of an image generating apparatus having a forgery judging function and an image generating apparatus not having a forgery judging function;

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- judging means (*copy machine 93 also includes PCU 74 of fig. 4 for judging confidential contents of received image data, i.e., paper money, col. 31, lines 28-67*) for judging whether a color image composed of the color image data received by said receiving means is a specific image; and
- output means (*output portion 72, fig. 4, for outputting image data receiving from plurality of external sources, fig. 11*) for outputting the color image data so as to make an image forming unit (*output portion 72, fig. 4*) form a color image by using the color image data received from said receiving means, wherein the image processing apparatus controls formation (*copy machine 93 further performs higher judging level upon receiving judging results from copy machine 92, col. 34, lines 1-15*) of the color image according to a result of judgment in the image generating apparatus having the forgery judging function if the color image data is generated by the image generating apparatus having the forgery judging function (*copy machine 92 incorporated with a lower level forgery judging function, col. 33, lines 40-50*), and controls formation (*copy machine 93 performs basic judging function of image data received from copy machine 91 since copy machine 91 lacks of any forgery judging function, col. 32, lines 20-30*) of the color image according to a result of judgment by said judging means if the color image data is generated by the image generating apparatus not having the forgery judging function (*copy machine 91 does not have a forgery judging function, col. 33, lines 40-50*). Also notes: PCU 74 of copy machine 93 can also determines which copy machines within a network system is having a forgery judging function (col. 32, lines 60+).

Regarding claim 10, Nakai further discloses the image processing apparatus according to claim 9, wherein the image generating apparatus is a scanner (scanner 94, fig. 11) or a digital camera.

Regarding claim 11, Nakai further discloses the image processing apparatus according to claim 9, wherein the specific image is a security such as bank note, and a traveler's check (securities, col. 31, lines 10-17).

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Regarding claim 12, Nakai further discloses the image processing apparatus according to claim 9, wherein said judging means judges the color image data by pattern matching (col. 31, lines 35-36) or color matching, or judges digital water mark information included in the color image.

Regarding claim 13, Nakai further discloses the image processing apparatus according to claim 9, wherein the image generating apparatus having a forgery judging function transmits a result of the forgery judgment ahead of the color image data (copy machine 92 includes a lower judging means for judging the image data prior sending to copy machine 93 for higher judging means, fig. 40, cols. 33-34).

Regarding claim 14, Nakai further discloses the image processing apparatus according to claim 9, wherein said receiving means receives the color image data via a network (network, fig. 11).

Response to Arguments

Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection (i.e. different interpretations of previous applied art reference).

- Regarding claim 9, the applicants argued the cited prior art of record fails to teach and/or suggest the feature of “controlling formation of the color image according to a result of judgment in the image generating apparatus having the forgery judging function if the color image data is generated by the image generating apparatus having the forgery judging function of the color image according to a result of judgment by said judging means if the color image data is generated by the image generating apparatus not having the forgery judging function”. The applicants argued an image processing apparatus as cited in claim 1 can always control image formation based on a judgment result, but it only needs to perform the judgment itself if the image data was generated by an apparatus that does not have a forgery judging function. Thus if image data is generated by a device that has the forgery judging function, an image processing apparatus can save

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processing time by skipping the judgment function so such function is not unnecessarily duplicate, whereas if the image data is generated by a device that does not have the forgery judging function, such judgment can still be performed. In other words, the image processing apparatus of claim 9 only performs a judgment when image data is generated by an image generating apparatus that does not have a forgery judging function, otherwise it makes use of the judgment result from the image generating apparatus.

In response to the applicants' arguments, the examiner has withdrawn previous office action and introduces a new ground of rejection in view of different interpretations of previous applied art; please refer to the above rejection for more details. Arguments as presented by the applicants do not reflect limitations as cited in claim 9; nowhere in claim 9 includes limitations for skipping the judgment function if judgment already performed. In addition, Image forming system as taught by Nakai et al can have plurality of copy machines 93 (col. 32, lines 11-16). Copy machine 93 not only performs forgery judging, but also outputting image data transmits from copy machine 91-92, and/or another copy machine 93.

Conclusion

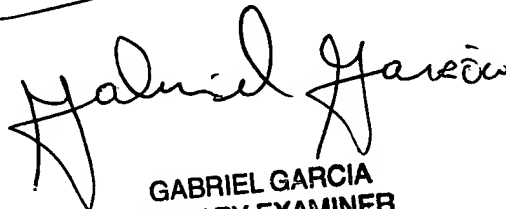
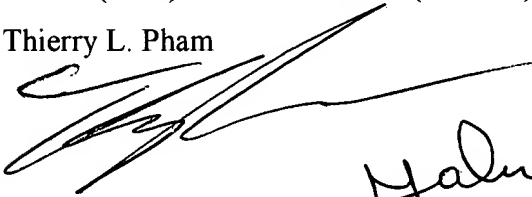
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER